PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	David Allison Bennett, et al.
Application No.	:	09/684,866
Filed	:	October 6, 2000
Title	:	Apparatus, Systems and Methods For Online, Multi-Carrier, Multi-Service Parcel Shipping Management
Grp./Div.	:	3629
Examiner	:	Jamisue A. Plucinski
Docket No.	:	PSTM0038/MRK

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DECLARATION UNDER 37 C.F.R. SECTION 132
BY WILLIAM W. SMITH III
FILED IN SUPPORT OF
AMENDMENT AND RESPONSE TO OFFICE ACTION DATED MARCH 6, 2008

BACKGROUND INFORMATION ABOUT THE DECLARANT

1.   I, WILLIAM W. SMITH III, am Chief Technology Officer ("CTO") of iShip Inc., a wholly owned subsidiary of United Parcel Service, which is one of the assignees of the above-mentioned application. I have been in the employ of iShip Inc., or one of its predecessor's in interest, since at least 1995, and in the present capacity as Chief Technology Officer since at least 1997.

2.   iShip Inc. is an online provider of a multi-service, multi-carrier, Internet-enabled server-based shipping management system (at, among others, www.iship.com) for use by small volume shippers such as small businesses and home offices. The multi-carrier, multi-service, Internet-based shipping management system that iShip Inc. offers provides shipping users ("shippers")

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with a cross-comparison of shipment rating, service options, delivery schedules and other services by each of the multiple carriers for each of multiple services so that a shipper can compare multiple services offered by the multiple carriers and select one service offered by one of the multiple carriers to ship a parcel. When I first became involved in the development of this particular shipping management system, I worked for MoveIt! Software Inc. ("MoveIt!"), a company that was founded in 1997; I was one of three founders. MoveIt! eventually became IShip.com, Inc., which eventually merged with Stamps.com Inc. and which is currently a wholly owned subsidiary of United Parcel Service ("UPS"). As of the date of this Declaration, IShip Inc. and Stamps.com are joint owners in common of the subject invention.

3.   I hold a Master of Science degree, granted in 1988, in Industrial Engineering and Operations Research from Virginia Tech.

4.   I am one of the inventors of the present application.

5.   I have reviewed, and am familiar with, the above-identified patent application, and I have reviewed, and am familiar with, the Office Action regarding the above-identified patent application dated March 6, 2008.

6.   I have reviewed, and am familiar with, Kara et al. (WO 99/21330; "*Kara II*"), that was cited by the March 6, 2008 Office Action.

BACKGROUND INFORMATION REGARDING COMMUNICATIONS BETWEEN A SERVER-BASED COMPUTER SYSTEM AND REMOTE CLIENT COMPUTERS THAT ACCESS THE SERVER-BASED SYSTEM USING BROWSER, OR SIMILAR, SOFTWARE

7.   At MoveIt!, we intially defined our primary market as small enterprises and individuals who were small-volume shippers.

8.   By the late 1990's, members of our primary market were predominately accessing the Internet via browser software, or other software that is adapted to retrieve and render hyper-media content. Then, and today, browser software (and other software that is adapted to retrieve and render hyper-media content) is installed on a computer device and executes as a type of virtual machine; browser software (and other software that is adapted to retrieve and render hyper-media content) executing on a computer device, executes within the operating system that controls the computer device. References herein to browser software pertain equally to other types of software that are adapted to retrieve and render hyper-media content.

9.   By the late 1990's, various small enterprises and individuals, the very members of our primary market, had begun to install firewalls to protect their computer systems from unauthorized access. The firewalls prevalent during the late 1990's prevented, to some extent, computers within the firewall from downloading software from various external sources (sources outside the firewall), including, e.g., Internet sources.

10.   At Moveltl, because so many of our potential customers were installing, or had installed, firewalls, we wanted to provide an Internet-based system that would be compatible with, and not be compromised by, firewall protection measures. Because firewalls installed by many of our potential customers would prevent the downloading and installation of software on their client computers, our initial approach in developing an Internet-enabled, server-based shipping management system was to provide a completely browser-accessed system that would not require a client user to download or install any client software on the client user's client computer.

11. . Client software is software that is installed on a client computer; client software, once installed, executes on the client computer and "talks" to corresponding server software that is executing on a server computer when the client computer accesses the server computer. Client software, because it is installed on a client computer, has the ability to access information about the client computer, and can then, if asked by the corresponding server software, provide the information about the client computer to the server software.

12. During the late 1990's, client computers accessing a web-enabled, server-based system such as ours, using browser software, or other software adapted to retrieve and render hyper-media content, sometimes experienced slow response time between the client computer and the system.

13. So, for example, where the browser software would render an interactive user interface on a display monitor in communication with a client computer, if a user then changed data and had to click a button, such as an "enter" button or other user button, for example, at the time of the present invention, doing so would cause the browser software to retransmit the changed data to the subject web-enabled, server-based system so that the system could re-evaluate the changed data.

14. Once the re-evaluation was complete, the web-enabled, server-based system would present hyper-media content to the client computer's browser, or other, software, for re-presentation on the relevant display monitor in communication with the relevant client computer.

15. The relevant user would sometimes experience slow response time for the retransmission and re-presentation of the changed user interface display.

16.   During the late 1990's, we found that certain types of software, such as, for example, ActiveX controls, were exceptions to firewall-prevented installations and were not blocked by most firewalls.

VARIOUS ASPECTS OF THE INVENTION REGARDING COMMUNICATIONS BETWEEN A SERVER-BASED COMPUTER SYSTEM AND REMOTE CLIENT COMPUTERS THAT ACCESS THE SERVER-BASED SYSTEM USING BROWSER, OR SIMILAR, SOFTWARE

17.   We subsequently developed an exemplary embodiment that generated displayable interactive user interfaces, sometimes referred to as graphic user interfaces, for display on a display device that was peripheral to, or otherwise in communication with, a client computer that was accessing the exemplary embodiment server-based computer system.

18.   In the exemplary embodiment server-based computer system, the displayable interactive user interfaces were generated to comprise executable program instructions, such as, for example, in the form of ActiveX Controls. The executable program instructions were disposed for automatic installation on the client computer that was accessing the exemplary embodiment server-based computer system using browser software, or other software adapted to retrieve and render hyper-media content.

19.   In the exemplary embodiment system, one set of such executable program instructions was for automatically regenerating interactive user interface displays in response to user modifications of data in one or more data collection fields in the interactive user interface display. The interactive user interface displays would be rendered by the browser, or other software adapted to retrieve and render hyper-media content, on the client computer on the display device peripheral to, or otherwise in communication with, the client computer. The automatic regeneration by various embodiments of the present invention of the

interactive user interface display in response to user data modification was thus done locally, on the client computer, and provided faster response time than would have been experienced if the data change had to be retransmitted to the server-based system, re-evaluated there, and then sent back to the client computer resulting in a modified display reflecting the changed user data. At the time of the present invention, as mentioned previously above, firewalls installed by many of potential users would prevent the conventional downloading and installation of software on their client computers. As compared to conventional downloading and installation of software, the above-mentioned approach that we invented provided a way for executable program instructions to be presented to, and automatically installed by, a client computer using browser software, or other software for retrieving and rendering hyper-media content, that was operable on or with the client computer. This approach provided an Internet-enabled, server-based shipping management system that was a browser-accessed system, that would not require a client user to conventionally download and install any client software on the client user's client computer, and that was compatible with firewalls, such as those that may be installed on client computers.

BACKGROUND INFORMATION REGARDING eCOMMERCE SHOPPING AND SHIPPING

20.   Also by the late 1990's, the eCommerce (*e.g.*, eBay®) auction and shopping paradigm had debuted. The eCommerce auction and shopping paradigm presented a number of problems that had to first be overcome before the eCommerce auction and shopping paradigm could become the Internet phenomenon that it is today.

21.   For example, at the time of the present invention, although eCommerce auction websites were gaining a reputation and recognition with eCommerce buyers, eCommerce auction sellers were often individuals or small companies,

whose reputation was virtually unknown, or at least little known, to, and often untrusted by, many eCommerce shoppers. Therefore, although eCommerce auction shoppers were eager to buy, they were reluctant to provide their credit card payment information to such unknown sellers.

22.   Another problem presented by the eCommerce auction and shopping paradigm was that eCommerce sellers often wanted eCommerce buyers to pay not only for the item they were buying, but to also pay for shipment of the item from the eCommerce seller to the eCommerce buyer.

23.   Yet another problem presented by the eCommerce auction and shopping paradigm was that eCommerce sellers did not want to have to request delivery address information from a buyer, and then themselves enter the delivery address information into a shipping management system.

VARIOUS ASPECTS OF THE INVENTION
REGARDING eCOMMERCE SHOPPING AND SHIPPING

24.   In view of the above-mentioned shipping and payment problems presented by the eCommerce auction and shopping paradigm, we invented a shipping management system for receiving input about an item to be shipped from a shipping eCommerce seller, or someone representing someone such as an eCommerce seller, for receiving input about delivery from an eCommerce buyer or someone representing someone such as an eCommerce buyer, and for then using the input from both the shipping eCommerce seller/representative and the eCommerce buyer/representative for facilitating shipment of the item by the eCommerce seller to the eCommerce buyer/representative, or to a recipient and/or destination address designated by the eCommerce buyer/representative.

25.   Various exemplary embodiments of the shipping management system that we invented receive input from a shipping eCommerce seller, or someone

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representing someone such as an eCommerce seller. For example, various exemplary embodiments of the shipping management system that we invented would receive from an eCommerce seller a weight of a parcel, other parcel information needed for determining a shipping rate, such as parcel dimensions, and an origin address from which the parcel is to be shipped.

26. Various exemplary embodiments of the shipping management system that we invented would also receive information from an eCommerce buyer, or someone representing someone such as an eCommerce buyer. For example, various exemplary embodiments of the shipping management system that we invented would receive from an eCommerce buyer, the buyer's designation of a recipient and a destination address.

27. Various exemplary embodiments of the shipping management system that we invented would then use the information received from the eCommerce seller and the information received from the eCommerce buyer to determine shipping rates for various delivery services and carriers that would ship the item to the buyer-designated recipient and destination address. Various embodiments of the shipping management system that we invented would then present to the eCommerce buyer a display of shipping rates for various delivery services and carriers that would ship the item to the buyer-designated recipient and destination address.

28. Various exemplary embodiments of the shipping management system that we invented provided an interactive user interface to the eCommerce buyer to allow the eCommerce buyer to indicate a selection of a carrier and delivery service for shipping the item.

29. Various exemplary embodiments of the shipping management system that we invented provided an interactive user interface to the eCommerce buyer to

allow the eCommerce buyer to submit payment information for purchasing the item from the eCommerce seller, and for shipment of the item by the user-selected delivery service and carrier from the origin address indicated by the eCommerce seller to the recipient and destination address indicated by the eCommerce buyer.

30.   Various exemplary embodiments of the shipping management system that we invented do not disclose the eCommerce buyer's payment information to the eCommerce seller. Rather, the various exemplary embodiments of the shipping management system would accept payment for the item and also for a corresponding shipment of the item purchased by the eCommerce buyer/representative. The eCommerce buyer's (or other recipient's) delivery address information and carrier/delivery service selection are used by various exemplary embodiments of the shipping management system that we invented to allow the eCommerce seller/representative to print a shipping label for shipment of the item/parcel to the recipient and destination address designated by the eCommerce buyer/representative.

31.   The above-described multi-source input and processing features of various exemplary embodiments of the shipping management system that we invented are functionally different from a system that merely receives all input for shipment of a parcel from a single source, namely, from the shipper. In a system that merely receives all input for shipment from a single source, such a system typically interacts in a single online session, or through a single access path, or otherwise through a single client-computer-specific set of interactive accesses, with a single remote client computer, such as for the shipper, to collect parcel, origin, destination and payment information regarding a single shipment transaction. In such a scenario, such a single online session, or interactivity with a client computer though a single access path or through a single client-

computer-specific set of interactive accesses, involves an interaction between the system and a single remote online address.

32. As compared to a system that merely receives all input for shipment of a parcel from a single source, namely, from a shipper, for example, various exemplary embodiments of the shipping management system that we invented coordinate different-online-session input from multiple remote online addresses to process a single transaction, and then combine the information received during different online sessions from multiple remote online addresses and generate a shipping label for print rendering on a print rendering device at one of those remote online addresses.

33. As compared to a system that merely receives all input for shipment of a parcel from a single source, various exemplary embodiments of the multi-source processing shipping management system that we invented recognize a remote online address of a computer used by a party such as an exemplary eCommerce buyer who is, for example, buying an item from another party, such as, for example, a particular exemplary eCommerce shipper during an exemplary buying session, and associate the information provided by the exemplary eCommerce buyer with information provided by the exemplary eCommerce seller from a different remote online address, possibly from interactive sessions that occur at different times.

34. As compared to a system that merely receives all input for shipment of a parcel from a single source, in various exemplary embodiments of the multi-source processing shipping management system that we invented, once the exemplary eCommerce buyer has input destination address and item/shipment payment information, the system that we invented may calculate a shipping rate corresponding to the exemplary buying session according to the separate inputs by the exemplary eCommerce buyer and the exemplary eCommerce seller.

35.   It is my opinion that _Kara II_ fails to address, describe, or provide any disclosure regarding receiving input about an item to be shipped from a first user, such as a shipping eCommerce seller; receiving input about delivery of the item from a second user, such as an eCommerce buyer; and using the input from both the first user (e.g., the shipping eCommerce seller) and the second user (e.g., the eCommerce buyer) to calculate shipping rates or otherwise facilitate shipment of the item by the shipping eCommerce seller to the eCommerce buyer, or to a destination address designated by the eCommerce buyer, such as through generating and printing a shipping label.

39.   I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of United States Code and that such willful false statements may jeopardize the validity of the application or any corresponding U.S. patent.

Date: _SEPT 3, 2008_

William W. Smith III